

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION FILE  
NO. 4:11-CR-024-01-HLM

JAMES MOORE, JR.

ORDER

This case is before the Court on the Report and Recommendation on Plea of Guilty issued by United States Magistrate Judge Walter E. Johnson [22].

On July 19, 2011, a federal grand jury sitting in the Northern District of Georgia returned an indictment against Defendant charging Defendant with being a felon in possession of firearms and ammunition, in violation of 18 U.S.C. § 922(g)(1). (Docket Entry No. 1.) On December 6, 2011, Defendant filed a Consent to Tender Plea Before U.S. Magistrate Judge. (Docket Entry No. 19.) On that same day, Defendant entered a plea of guilty before Judge

Johnson, pursuant to a negotiated plea agreement. (Docket Entry Nos. 20-21.)

On December 6, 2011, Judge Johnson issued his Report and Recommendation. (Docket Entry No. 22.) Judge Johnson's Report and Recommendation states, in relevant part:

After cautioning and examining the defendant under oath concerning each of the subjects mention in Fed. R. Crim. Pro. 11, I have determined that the guilty plea was knowing and voluntary, and that the plea to the offense charged is supported by an independent basis in fact establishing each of the essential elements of such offense. I have also determined that the defendant has voluntarily and expressly waived the right to appeal his conviction and sentence and the right to collaterally attack his conviction in any post-conviction proceeding (including, but not limited to, motions filed pursuant to 18 U.S.C. § 2255) on any ground, except that the defendant may file a direct appeal of an upward departure or variance from the otherwise applicable sentencing guideline range, or if the Government files an appeal, the Defendant may file a cross-appeal. I, therefore, **RECOMMEND** that the plea of guilty be accepted and that the defendant be adjudged guilty and have sentence imposed accordingly.

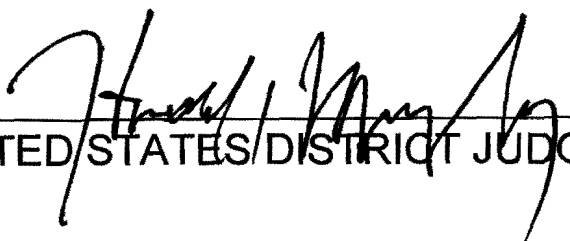
(Id. at 1-2.)

As of the date of this Order, neither Defendant nor the Government has filed an Objection to the Report and Recommendation. The time period for filing Objections has expired, and the Court therefore finds that this matter is ripe for resolution.

Based on the Court's review of the Report and Recommendation and the record in the case, the Court finds that Defendant's plea of guilty was knowingly and voluntarily made, that Defendant's plea to the offense charged was supported by an independent basis in fact establishing each of the essential elements of that offense, and that Defendant has, with certain exceptions, voluntarily and expressly waived the right to appeal his conviction and sentence and the right to collaterally attack his conviction and sentence in any post-conviction proceeding. Pursuant to Rule 11 of the Federal Rules of Civil Procedure, the Court **ADOPTS** the Report and Recommendation [22] and makes it the Order of this Court. Defendant's plea of guilty to the charge

contained in the indictment is hereby accepted, and Defendant is hereby adjudged guilty of said offense. Defendant's sentencing hearing is scheduled for Friday, February 10, 2012, at 1:30 p.m., in Room 300 of the United States Courthouse, 600 East First Street, Rome, Georgia.

IT IS SO ORDERED, this the 3<sup>rd</sup> day of January, 2012.

  
UNITED STATES DISTRICT JUDGE